

**THIS ORDER IS
APPROVED.**



1 **TIFFANY & BOSCO**
2 P.A.
3 **2525 EAST CAMELBACK ROAD**
4 **SUITE 300**
5 **PHOENIX, ARIZONA 85016**
6 **TELEPHONE: (602) 255-6000**
7 **FACSIMILE: (602) 255-0192**

Dated: October 18, 2010

James M. Marlar
JAMES M. MARLAR
Chief Bankruptcy Judge

Mark S. Bosco
State Bar No. 010167
Leonard J. McDonald
State Bar No. 014228
Attorneys for Movant

10-10076

10 **IN THE UNITED STATES BANKRUPTCY COURT**
11 **FOR THE DISTRICT OF ARIZONA**

13 IN RE:

No. 4:10-bk-04249-JMM

14 Barry J. Kelly and Claudia M. Kelly
15 Debtors.

Chapter 7

16 U.S. Bank, National Association
17 Movant,

ORDER

18 vs.
19 Barry J. Kelly and Claudia M. Kelly, Debtors,
Trudy Nowak, Trustee.

(Related to Docket #53)

20 Respondents.

21
22 Movant's Motion for Relief from the Automatic Stay and Notice along with the form of proposed
23 Order Lifting Stay, having been duly served upon Respondents, Respondents' counsel and Trustee, if any,
24 and no objection having been received, and good cause appearing therefore,

25 IT IS HEREBY ORDERED that all stays and injunctions, including the automatic stays imposed

1 by U.S. Bankruptcy Code 362(a) are hereby vacated as to Movant with respect to that certain real
2 property which is the subject of a Deed of Trust dated October 26, 2007 and recorded in the office of the
3 Pinal County Recorder wherein U.S. Bank, National Association is the current beneficiary and Barry J.
4 Kelly and Claudia M. Kelly have an interest in, further described as:

5 LOT 17, OF RANCHO EL DORADO PHASE III, PARCEL 33, ACCORDING TO THE PLAT
6 OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF PINAL COUNTY,
ARIZONA, RECORDED IN CABINET F, SLIDE 187.

7 IT IS FURTHER ORDERED that Movant may contact the Debtor(s) by telephone or written
8 correspondence regarding a potential Forbearance Agreement, Loan Modification, Refinance
9 Agreement, or other Loan Workout/Loss Mitigation Agreement, and may enter into such agreement
10 with Debtors. However, Movant may not enforce, or threaten to enforce, any personal liability against
11 Debtors if Debtors' personal liability is discharged in this bankruptcy case.

12 IT IS FURTHER ORDERED that this Order shall remain in effect in any bankruptcy chapter
13 to which the Debtor may convert.

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